

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

09 Cr. 381 (PKC)

USDS SDNY
DOCUMENT
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DATE FILED: 4-2-10

ORDER

JOHN SALABARRIA,

Defendant.
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P. KEVIN CASTEL, District Judge:

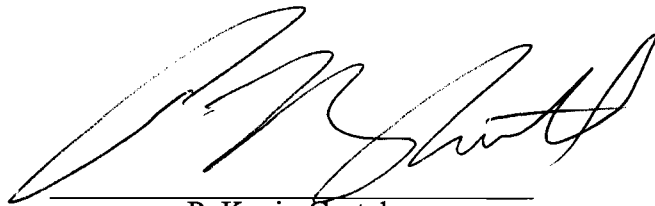
By letter dated March 18, 2010, the government requested that certain undercover police officers who interacted with members of the alleged conspiracy be permitted to testify at trial giving only their shield numbers. The government asserts that disclosure of identifying information would jeopardize their "ability to do their jobs" and "their safety may be compromised." Defendant Salabarria has not objected to this application.

Viewing the issue from a pretrial vantage point, I presently see no prejudice to the defendant in his ability to investigate the case or cross-examine the undercover witnesses at trial. Identity information about the undercover witnesses would not appear to be likely to have a material impact on the assessment of their credibility. By its nature, disclosure of names and addresses would place the personal safety of these undercover witnesses at needless risk and jeopardize their ability to continue to work in an undercover capacity.

Here, the government has proffered good and sufficient reasons for non-disclosure and those reasons have not been challenged by the defendant. See United States v. Marti, 421 F.2d 1263(2d Cir. 1970)(refusal to disclose witnesses address on cross-examination was not a violation of the Sixth Amendment where the prosecutor's motive for not disclosing it was not questioned).

Application GRANTED.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'P. Castel', written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
April 2, 2010